



761901645

RECEIVED
SEP 02 2003
TECH CENTER 1600/2800

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/298,523	
	Filing Date	April 23, 1999	
	First Named Inventor	Briles	
	Group Art Unit	1645	
	Examiner Name	N. Minnifield	
Total Number of Pages in This Submission	4	Attorney Docket Number	57909/428

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> A copy of the Notice to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input checked="" type="checkbox"/> A self-addressed, prepaid postcard for acknowledging receipt <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input checked="" type="checkbox"/> Response to Restriction Requirement
Remarks	<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 14-1138 for the above identified docket number.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Michael L. Goldman Nixon Peabody LLP Clinton Square, P.O. Box 31051 Rochester, New York 14603-1051 Telephone: (585) 263-1304 Fax: (585) 263-1600
Signature	
Date	August 26, 2003

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]	
I hereby certify that this correspondence is being:	
<input checked="" type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop _____, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450	
<input type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) _____	
August 26, 2003 Date	 Signature Ruth R. Smith Typed or printed name





PATENT
Docket No.: 57909/428

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Briles et al.)
Serial No. : 09/298,523)
Cnfrm. No. : 2114)
Filed : April 23, 1999)
For : PNEUMOCOCCAL SURFACE PROTEIN C (PspC),)
EPITOPIC REGIONS AND STRAIN SELECTION)
THEREOF, AND USES THEREFOR)

Examiner:
N.M. Minnifield

Art Unit:
1645

TECH CENTER 1600/2000

SEP 02 2003

RECEIVED

#28
Linda
9/25/03

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the February 26, 2003, written restriction requirement, applicants hereby elect SEQ ID NO: 13 (i.e., claims 34, 42, and 43) with traverse. However, applicants submit that the claimed subject matter of the different groups identified in the outstanding office action are closely related and, therefore, would require common areas of search and consideration. Accordingly, no benefit is derived from maintaining the restriction requirement and withdrawal of the restriction requirement is respectfully requested.

Respectfully submitted,

Date: August 26, 2003

Michael L. Goldman
Registration No. 30,727

NIXON PEABODY LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1304
Facsimile: (585) 263-1600

Certificate of Mailing - 37 CFR 1.8(a)	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450, on the date below.	
Date <u>Aug. 26, 2003</u>	<u>Ruth R. Smith</u> Ruth R. Smith